IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 20948 of 2004

Between:

Pedada Kishore Babji, s/o Satyanarayana,Technical Work Inspector A.P.State Housing Corporation Ltd., r/o Vasudevapuram Village, Taltiria Post, Jalumuru Mandal, Srikakulam District.

..... PETITIONER

AND

1 The District Collector, Visakhapatnam District.
2 A.P.State Housing Corporation Ltd., Udyoga Bhavan, Siripuram Junction, Visakhapatnam rep., by its District Manager.
3 The Deputy Executive Engineer, A.P.State Housing Corporation Ltd., Udyoga Bhavan, Siripuram Junction, Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ, order or direction preferably a writ in the nature of writ of mandamus, declaring the action of the respondents in not reinstating the petitioner into service inspite of the fact that it is more than 4 years since the petitioner is under suspension, as being illegal, arbitrary, unreasonable, contrary to G.O.Ms.No.86 GAD dt.8-3-94 and the existing rules and settled principles of law laid down by the Hon'ble Constitutional courts and also in violation of the order of this Hon'ble Court dt.7-1-2003 made in WP No.222 of 2003 and consequently set aside the suspension order in Rc.No.1005/99-E dt.29-2-2000 issued by the 1st respondent by directing the respondents to reinstate the petitioner into service by paying all consequential benefits.

Counsel for the Petitioner: MR.M.VISWANADHAM

Counsel for the Respondent Nos.1&3: GP FOR REVENUE

Counsel for the Respondent No.2: MR.K.MOHANA RAMI REDDY SC FOR A.P.STATE HOUSING CORPORATION LTD.,

The Court, at the stage of admission, made the following :

ORAL ORDER

The present writ petition is filed to declare the action of the respondents, in not reinstating the petitioner into service in spite of the fact that it is more than four years since the petitioner is under suspension, as illegal and arbitrary.

While disposing the writ petition No.222 of 2003, dated 07-01-2003, this Court directed the respondents to complete the enquiry within a period of six (6) months from the date of receipt of a copy of that order and further directed if the respondents failed to complete the enquiry, the petitioner is entitled for reinstatement. Now, the fact remains that the enquiry is still pending. According to the learned counsel for the petitioner continuing the petitioner under suspension, since two years, is in violation of the Government order and, therefore, he is entitled to be reinstated.

On the other hand, the learned counsel for the respondents contended that because the writ petitioner is not cooperating with the enquiry officer, the enquiry officer could not be in a position to conduct inquiry and, therefore, no latches can be attributable to the respondents. Further, the learned counsel for the respondents contended that if a reasonable opportunity would be given to the respondents, they will conclude the enquiry and appropriate orders will be passed, basing on the enquiry report.

In view of the serious allegations, which are denied by the respondents, I deem it appropriate, a necessary direction can be given to the respondents. Therefore, the respondents are directed to complete the enquiry, positively, within a period of two (2) months from the date of receipt of a copy of this Order.

With the above said observation, the writ petition is disposed of. No order as to costs.

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K.C.BHANU,J

24th NOVEMBER 2004

*TSNR

TO

1 The District Collector, Visakhapatnam District.
2 The District Manager, A.P.State Housing Corporation Ltd., Udyoga Bhavan, Siripuram Junction, Visakhapatnam .
3 The Deputy Executive Engineer, A.P.State Housing Corporation Ltd., Udyoga Bhavan, Siripuram Junction, Visakhapatnam.

4. Two CCs to G.P for Revenue, High Court of A.P., Hyderabad.(OUT)

5. Two CD copies.